

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 57518

Francine D. Fallon  
9600 Amberleigh Lane  
Unit G  
Perry Hall, MD 21128

111 Dorgate Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 22, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, Zoning Commissioner's Policy Manual (ZCPM), failure to cease service garage activity in residential zone on residential property known as 111 Dorgate Road, 21117.

On July 10, 2009, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Francine Fallon, Respondent represented by Erin Murphy, Esquire and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 26, 2009 to cease operation of service garage/ auto repair business in residential zone; cease illegal home occupation; cease nuisance activity; and for proper storage of trash in cans with tight fitting lids. This Citation was issued on July 10, 2009.

B. Respondent's son lives in the house on this property. Inspector David Kirby testified that during his first inspection on March 27, 2009, he observed a large garage tent with ramps, brake parts, auto fluids, and trashcans with no lids. When he arrived at the location he was approached and asked if he wanted brake work done on his car. Additional inspections in April 2009 and May 2009 found multiple different vehicles at the house including vehicles without valid tags. The garage tent was open with extensive automobile repair tools and equipment clearly visible in a photograph in the file. The police were called on May 26, 2009 to handle an untagged Honda parked on the street.

C. After the Citation was issued on July 10, 2009, Inspector Kirby observed the location on July 11, 2009 and saw the garage tent open with a car being worked on inside the tent.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has violated these limitations with numerous vehicles.

E. A service garage operation is defined in the Baltimore County Zoning Regulations as "a garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." BCZR Section 101.1. Service garages are not permitted in this residential zone. A "residential garage" is an "accessory building, portion of a main building or building attached thereto used for storage of private motor vehicles." Section 101.1. Respondent must cease the auto repairs activity at this residential property, and may not permit the operation of an illegal business from the home.

F. Respondent Fallon testified that the automobile repair activity has ceased and that zoning regulations will be complied with. Because compliance is the goal of code enforcement, and there is no prior history of similar violations, the civil penalty will be rescinded if re-inspection finds the property in compliance.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the property in compliance and all violations corrected. If the Respondent fails to correct the violations, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 30<sup>th</sup> day of July 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.